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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/842,030	04/26/2001	Thomas Robert Albrecht	TUC920010002US1	6914

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IBM CORPORATION
INTELLECTUAL PROPERTY LAW
8987 E. TANQUE VERDE RD. #309-374
TUCSON, AZ 85749-9610

EXAMINER

SNIEZEK, ANDREW L

ART UNIT	PAPER NUMBER
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2651

DATE MAILED: 07/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/842,030

Applicant(s)

ALBRECHT ET AL.

Examiner

Andrew L. Sniezek

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 April 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-41 and 44-46 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 2,3,7-41 and 44-46 is/are allowed.
- 6) ☒ Claim(s) 1, 4-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

1. The following action is taken in view of the amendment and declaration filed 4/22/04

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 4 and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Leonhardt et al..

Re claim 1: Leonhardt et al. teaches a data storage cartridge of generally an exterior dimensional form factor of a cartridge having a leader block (column 3, lines 49-55) that comprises a data storage device (cassette, disk, memory array, miniaturized drive element) and a cartridge shell (see for example figure 2, element 100) a blocking portion where normally would be a leader block hole which is used to differentiate this cartridge from the standard cartridge (column 4, lines 32-49). The claimed shock supporting structure is deemed satisfied by the flexible fingers or bands (column 4, lines 24-30)

Re claim 4: the claimed data transfer interface is satisfied by the discussion in column 5, lines 47-68.

Re claim 5: The use of a flex cable interface is deemed satisfied by the moveable interface as discussed (column 5, lines 65-68).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Leonhardt et al. in view of Chan.

The teaching of Leonhardt et al. is discussed above and incorporated herein. Claim 6 additionally sets forth alignment pins in the transfer station to correspond to holes in the cartridge for providing a registration between the transfer interfaces. Although such feature is not taught by Leonhardt et al., such feature is well known in the art as taught by Chan (column 6, lines 11-18). The registration of transfer interfaces corresponds to the operational position as taught by Chan. It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate pins and

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holes as taught by Chan in the arrangement of Leonhardt et al. to insure data transfer between the cartridge and the transfer station can occur.

Allowable Subject Matter

7. Claims 2-3, 7-41 and 44-46 are allowed.

Response to Arguments

8. Applicant's arguments filed 4/22/04 have been fully considered but they are not persuasive.

Applicant argues concerning claim 1 that the applied art does not teach a shock mount for supporting and mounting the data storage device within the cartridge shell. Also submitted was a declaration by Mr. Winarski who states that the applied reference teaches to always retain and support the drive elements in a secured and fixed manner and does not teach to provide a shock absorbing capability as provided by the invention of the present application. Examiner notes that claim 1 does not set forth a shock absorbing limitation, only that a shock mount is provided. Furthermore, although Mr. Winarski is correct that the applied reference teaches to securely hold the drive elements, flexible fingers or bands hold these elements securely. Flexible fingers or bands by their inherent characteristics provide a limited amount of movement which would compensate to some extent, depending upon the severity of a shock, movement of the drive elements due to shock.

Concerning the limitations of claim 4, these limitations contrary to applicants remarks do satisfy the claimed invention as set forth for reasons provided in the rejection.

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Concerning the limitations of claim 5, the specification does not clearly define what constitutes a flex cable, furthermore claim 5 was not written as a means plus function recitation which would then have the meaning and its equivalents provided by the specification. As broadly as set forth the limitations of claim 5 are satisfied by the art as applied.

Concerning claim 6, applicant argues the references independently, however the claimed invention is deemed satisfied by the applied art for reasons already provided. There appears nothing in either reference that prohibits such combination.

Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

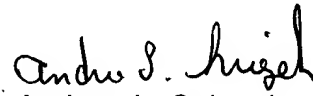
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew L. Sniezek whose telephone number is 703-308-1602. The examiner can normally be reached on Mon.-Fri..

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Hudspeth can be reached on 703-305-4700. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Andrew L. Sniezek
Primary Examiner
Art Unit 2651

A.L.S.
7/7/04